

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

FILED

2002 JUL 30 AM 9:09

IN RE:

ROBERT J. BEAZLEY and,  
DIANNE A. BEAZLEY,

Debtors.

Bankruptcy Case No. 02-05824-W  
Chapter 7

U.S. BANKRUPTCY COURT  
DISTRICT OF SOUTH CAROLINA

**NOTICE AND APPLICATION OF SALE OF PROPERTY  
FREE AND CLEAR OF LIENS**

**To: All Creditors and Parties in Interest:**

YOU ARE HEREBY NOTIFIED that the Trustee in this case proposes to sell the property herein described subject to of all liens and encumbrances according to the terms and conditions stated below.

TAKE FURTHER NOTICE that any response, return and/or objection to this application, should be filed with the Clerk of the Bankruptcy Court no later than twenty (20) days from service of motion/application and a copy simultaneously served on all parties in interest.

TAKE FURTHER NOTICE that no hearing will be held on this application unless a response, return and/or objection is timely filed and served, in which case, the Court will conduct a hearing on **September 5, 2002 at 1:30 p.m.**, at the United States Bankruptcy Court, 145 King Street, Suite 225, Charleston, South Carolina. No further notice of this hearing will be given.

**TYPE OF SALE:** Private sale.

**PROPERTY TO BE SOLD:** Estate's interest in 1993 Chevrolet ½ ton short bed V-6 pick up truck

**NOTICE: THE TRUSTEE IS SELLING THE ABOVE-REFERENCED PROPERTY "AS IS," WITH NO WARRANTIES WHATSOEVER. THE BUYERS AGREE TO RECEIVE THE PROPERTY WITH ALL FAULTS. THE TRUSTEE MAKES NO WARRANTY, EXPRESS OR IMPLIED, REGARDING THE PROPERTY, AND SPECIFICALLY EXCLUDES ANY IMPLIED WARRANTY OF MERCHANTABILITY AND ANY IMPLIED WARRANTY OF FITNESS FOR A PARTICULAR USE. PROPERTY TO BE CONVEYED BY QUIT CLAIM DEED.**

**THE BUYERS HAVE BEEN GIVEN THE OPPORTUNITY TO EXAMINE THE PROPERTY BEFORE SIGNING ANY CONTRACT OR SUBMITTING A BID TO PURCHASE THE PROPERTY, AND TO PERFORM SUCH TESTING, IF APPLICABLE, TO DETECT POSSIBLE LATENT DEFECTS.**

**PRICE:** \$3,725.00

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**TERMS OF SALE:**

1. Buyers shall pay the purchase price of \$3,725.00 with interest at the rate of nine percent (9%) per annum by making monthly payments beginning September 15, 2002 and continuing on the 15th of each month thereafter, in the amount of \$170.18 (interest included), per month for twenty-four (24) months until the total balance of \$4,084.32 including interest is paid in full.
2. In the event the Buyers are more than twenty (20) days late in making any agreed upon payment, the Trustee may terminate this agreement, retain all of the payments received from the Buyers and sell the property to a third party.
3. There shall be no pre-payment penalty if the Buyers desire to pay the balance owed before the end of the repayment period.
4. The Trustee shall execute any documents necessary to transfer title to Buyers after full payment is received.
5. Any lump sum or additional payments by Buyers shall apply respectively to the monthly installments.
6. At their expense, the Buyers shall until full amount is paid shall maintain liability insurance coverage in the amount of \$100,000, \$300,000 and collision insurance coverage to the extent of the wholesale value of the value and will provide the Trustee with a copy of the insurance policies.

**APPRAISAL VALUE:** \$4,925.00

**BUYER:** Robert J. Beazley and Dianne A. Beazley (The Buyers are the Debtors in this case.)  
26 Spartina Drive  
Hardeeville, SC 29927

**PLACE, DATE AND TIME OF SALE:** The sale shall take place as soon as possible after final Bankruptcy Court approval at a date, place and time to be agreed upon by the parties.

**SALES AGENT/AUCTIONEER/BROKER/ETC.:** Not applicable.

**EXPENSES OF SALE:** Appraisal fee in the amount of \$120.00 payable to AMC Appraisal Co., Inc. who is being appointed in this case as appraiser.

**COMPENSATION TO SALES AGENT/AUCTIONEER/BROKER/ETC.:** Not applicable.  
However, if property sold by Sales Agent commission would be \$372.50.

**ESTIMATED TRUSTEE'S COMPENSATION:** Reasonable compensation to be determined by the Court (but not to exceed the limits set in 11 U.S.C. §326(a), estimated to be \$931.25.

**LIENS/MORTGAGES/SECURITY INTERESTS ENCUMBERING PROPERTY:** No known liens.

**DEBTOR'S EXEMPTION:** In this situation, the property is being sold back to the Debtors. The property was only in the name of the Debtor, Robert J. Beazley. Therefore, the Debtor, Robert J. Beazley is utilizing his \$1,200 exemption towards the purchase price of the equity by waiving his right to receive his exemption in the proceeds.

**PROCEEDS ESTIMATED TO BE PAID TO ESTATE:** \$3,605.00

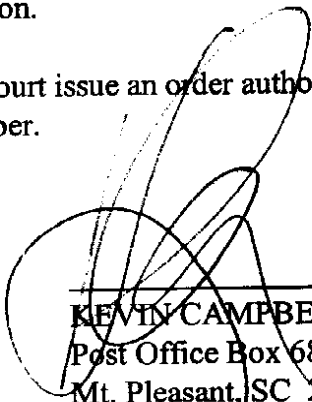
Applicant is informed and believes that it would be in the best interest of the estate to sell said property by private sale. Applicant also believes that the funds to be recovered for the estate from the sale of said property justify its sale and the filing of this application.

The Court may consider additional offers at any hearing held on this notice and application for sale. The Court may order at the hearing that the property be sold to another party on equivalent or more favorable terms.

Applicant requests that F.R.B.P. 6004(g) not be applicable in this matter and that the Trustee be allowed to immediately enforce and implement any Order Authorizing Sale of Assets Subject to Liens associated with this Notice.

The Trustee may seek appropriate sanctions or other similar relief against any party filing a spurious objection to this notice and application.

WHEREFORE, applicant requests the court issue an order authorizing sale of said property and such other and further relief as may be proper.



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KEVIN CAMPBELL, TRUSTEE  
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(843) 884-6874/884-0997(fax)  
District Court ID No. 30

Dated this 29 day of July, 2002.